

BILL # HB 2727

SPONSOR: Hershberger

TITLE: ~~fingerprint clearance cards~~ NOW: level 1
fingerprint clearance cards

STATUS: As Amended by Senate PSHS

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FISCAL ANALYSIS

Description

This bill establishes a separate fingerprint clearance card for prospective adoptive parents and foster parents in accordance with the federal Adam Walsh Child Protection and Safety Act. In addition, this new Level 1 fingerprint clearance card will be required of persons currently mandated by the Department of Economic Security (DES) to receive a fingerprint clearance card, including Child Protective Services caseworkers, day care and child care providers, DES information technology employees, Division of Developmental Disabilities providers, and any individuals who must be permitted by DES to work with youth and vulnerable adults or require a license to provide their care.

Estimated Impact

This bill is estimated to have a \$7,000 impact on the Department of Public Safety (DPS) in order to upgrade fingerprint clearance card programming. In addition, the Board of Fingerprinting is expected to experience a reduced workload as a result of decreased eligibility for good cause exemptions for Level 1 fingerprint clearance card applicants. The magnitude of this effect cannot be determined in advance.

DES does not anticipate a significant fiscal impact as a result of HB 2727 since DPS will be handling all fingerprint clearance card issues independently. JLBC Staff concurs with the DES assessment.

Since HB 2727 provisions pertaining to foster parents' and adoptive parents' background checks are tied to federal funding, a lack of compliance with the Adam Walsh Child Protection and Safety Act may result in an estimated loss of \$300,000 in federal funding.

Analysis

The Adam Walsh Child Protection and Safety Act of 2006 expands current federal laws to protect children from crime and exploitation. The Act includes 4 main provisions, 1) expands the national sex offender registry, 2) establishes mandatory minimum sentences for offenses against children and expands laws pertaining to sex offenders, 3) creates task forces against internet sexual exploitation of minors, and 4) creates a new national child abuse registry and requires background checks on adoptive and foster parents prior to receiving custody. States are required to meet Act provisions by July 2009 or states will lose 10% of their Byrne Memorial Justice Assistance Grants (Byrne/JAG). According to the Arizona Criminal Justice Commission, in FFY 2008 they expect to receive about \$3 million in Byrne grants. As a result, Arizona could lose an estimated \$300,000 in federal grants monies, or 10% of the FFY 2008 anticipated allocation, if Arizona does not comply with the Act.

Currently, with the standard fingerprint clearance card protocol, DPS determines who is eligible for the card by checking that individual's criminal history. If the applicant has certain offenses on his or her record, then that person is ineligible for the card. In certain cases, that person can appeal to the Board of Fingerprinting for a good cause exemption, at which time the Board can overturn the ineligibility of the applicant and then grant them a fingerprint clearance card.

HB 2727 expands fingerprint clearance card requirements with regards to verifying criminal history records prior to fostering, adopting, working, or being licensed to provide care to youth or vulnerable adults. With this bill, these individuals must be issued a Level 1 fingerprint clearance card instead of the standard fingerprint clearance card. Level 1 card applicants will be subject to screening for eligibility based on a more extensive list of disqualifying offenses. In addition, many offenses that are appealable to the Board of Fingerprinting for a good cause exemption with the standard card, are not appealable with

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the Level 1 card, including homicide, domestic violence, child neglect and indecent exposure, among many others. As a result, there are stricter criminal history requirements for the Level 1 fingerprint clearance card. It is unclear how many individuals would be denied a Level 1 fingerprint clearance card as a result of HB 2727. There is no additional applicant submission requirements associated with the Level 1 card.

The Board of Fingerprinting only provides for good cause exemption hearings and expedited review, while DPS actually issues the fingerprint clearance cards. In FY 2007, the Board of Fingerprinting received 1,967 applications for good cause exemption hearings and, in FY 2006, about 48% of applications were given good cause exemption by expedited review without need for a hearing, 17% were granted good cause exemption after a hearing, 9% were denied, and the remaining 26% of applications were withdrawn or were provided other dispositions. Since HB 2727 decreases the eligibility for good cause exemption review or hearings for any applicant of Level 1 fingerprint clearance cards, the Board of Fingerprinting may experience a reduced workload due to fewer good cause exemption applications. The magnitude of that effect cannot be determined in advance.

DPS issues fingerprint clearance cards to individuals at state, county and local agencies, private businesses and other individuals required to have a fingerprint clearance card. In FY 2007, DPS issued a total of 96,828 fingerprint clearance cards and precluded 5,503, or 5.4%, of applications, as a result of certain appealable and unappealable offenses being listed on their criminal record. HB 2727 would require an estimated 35,400, or 34.6% of fingerprint clearance card applicants, to instead apply for the more restrictive Level 1 fingerprint clearance card. *Table 1* identifies the number of fingerprint clearance cards issued by DPS in FY 2007 and which applicant groups would be affected by HB 2727.

Table 1

Fingerprint Clearance Cards Issued in FY 2007

<u>Applicant</u>	<u>Number of Cards Issued</u>
Adoption	3,102 (3.0%)
Foster Home Licensure	5,518 (6.0%)
Child Day Care	3,772 (4.0%)
Home Child Care Providers	2,186 (2.0%)
Work in Child Welfare & Adolescent Behavioral Health Treatment Programs	4,203 (4.0%)
Work with Developmental Disabilities	10,058 (10.0%)
Work with Domestic Violence/ Homeless Shelters	1,811 (2.0%)
Work in JOBS/WIA Programs	466 (0.5%)
DES Child Protective Services Employees	1,390 (1.0%)
DES Developmental Home Licensure	1,818 (1.0%)
DES IT Employees	472 (0.5%)
DES Non-CPS Employees	<u>585</u> (<u>1.0%</u>)
<i>Estimated Total Affected by HB 2727</i>	<u>35,381</u> (37.0%)
Other Clearance Card Issued	<u>61,447</u> (<u>63.0%</u>)
<i>Total Cards Issued by DPS</i>	<u>96,828</u> (<u>100.0%</u>)

DPS estimates that it will cost \$7,000 to make computer software modifications necessary to verify eligibility to receive Level 1 clearance cards.

DPS does not anticipate any cost increase to applicants by requiring the Level 1 fingerprint clearance card instead of the standard fingerprint clearance card. The current cost for a regular clearance card is \$47 and the volunteer clearance card is \$43, which includes an FBI fee ranging from \$15.25 to \$19.25 and a \$3 Board of Fingerprinting fee. The current processing time is 16 days and DPS does not expect longer processing times with this legislation.

DES do not anticipate a significant cost impact as a result of HB 2727 since all fingerprint clearance card applications will be handled by DPS and there are no additional DES requirements resulting from this bill.

Local Government Impact

None